

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Benjamin Esplin on December 17, 2009.

The application has been amended as follows:

1. **(Currently Amended)** A computer-implemented method for conducting an on-line auction of the type wherein a plurality of customers may receive, via said auction, an offer of a product supplied by one of at least two merchants, said product comprising a plurality of Program Terms, wherein the method is implemented in a computer system comprising one or more processors configured to execute one or more computer program modules, said method comprising:

executing, on the one or more processors of the computer system, one or more computer program modules configured to obtain, over a network, customer information from said plurality of customers, wherein said customer information comprises:

a first set of customer information corresponding to a first customer, the first set of customer information indicating that the first customer has selected a first Program Term as being the most important Program Term to the first customer;

a second set of customer information corresponding to a second customer, the second set of customer information indicating that the second customer has selected the first Program Term as being the most important Program Term to the second customer; and

a third set of customer information corresponding to a third customer, the third set of customer information indicating that the third customer has selected a second Program Term that is different from the first Program Term as being the most important Program Term to the third customer;

executing, on the one or more processors of the computer system, one or more computer program modules configured to automatically group the plurality of customers into pools based on customer selections of the Program Terms indicated as being the most important in the sets of customer information corresponding to the individual users, wherein the pools comprise:

a first pool of customers that includes customers corresponding to customer information sets that indicate customer selection of the first Program Term as being the most important Program Term such that the first pool of customers includes the first customer and the second customer; and

a second pool of customers that is separate and discrete from the first pool of customers, the second pool of customers including customers corresponding to

customer information sets that indicate customer selection of the second Program Term as being the most important Program Term such that the second pool of customers includes the third customer;

executing, on the one or more processors of the computer system, one or more computer program modules configured to obtain, over said network and prior to the first set of customer information, the second set of customer information, and the third set of customer information being obtained, from individual ones of said at least two merchants bids to provide the product to customers in the plurality of customers, wherein a given bid defines an offer to provide said product to one or more pools of at least some of said plurality of customers, wherein obtaining bids to provide the product to one or more pools of customers comprises obtaining bids to provide the product to ghost pools of customers into which future customers will be grouped;

executing, on the one or more processors of the computer system, one or more computer program modules configured to select Preferred Offers from the obtained bids to provide the product to customers from the plurality of customers, wherein individual Preferred Offers correspond to individual pools of customers such that the Preferred Offers include a first Preferred Offer that corresponds to the first pool of customers and a second Preferred Offer that corresponds to the second pool of customers, and wherein the selection of the Preferred Offers comprises:

comparing the first Program Terms between the bids to select the first Preferred Offer; and

comparing the second Program Terms between the bids to select the second Preferred Offer;

executing, on the one or more processors of the computer system, one or more computer program modules configured to individually notify customers of the corresponding Preferred Offers such that:

based on the selection of the first Preferred Offer, the customers in the first pool of customers are automatically notified over the network of the first Preferred Offer, wherein the notification enables the customers in the first pool of customers to individually accept the first Preferred Offer, and

based on the selection of the second Preferred Offer, the customers in the second pool of customers are automatically notified over the network of the second Preferred Offer, wherein the notification enables the customers in the second pool of customers to individually accept the second Preferred Offer.

4. **(Cancelled)**

9. **(Cancelled)**

27. **(Currently Amended)** A computer-implemented method for conducting an on-line auction of the type wherein a plurality of customers may receive, via said auction, an offer for a product supplied by one of at least two merchants, said product comprising a plurality of Program Terms, wherein the method is implemented in a

computer system comprising one or more processors configured to execute one or more computer program modules, said method comprising:

executing, on the one or more processors of the computer system, one or more computer program modules configured to obtain, over a network, customer information from said plurality of customers, said customer information comprising:

a first set of customer information corresponding to a first customer, the first set of customer information including characteristics of the first customer related to historical behavior of the first customer and/or demographics of the first customer,

a second set of customer information corresponding to a second customer, the second set of customer information including characteristics of the second customer related to historical behavior of the second customer and/or demographics of the second customer, and

a third set of customer information corresponding to a third customer, the third set of customer information including characteristics of the third customer related to historical behavior of the third customer and/or demographics of the third customer;

executing, on the one or more processors of the computer system, one or more computer program modules configured to automatically group the plurality of customers into pools based on characteristics of the customers included in the obtained sets of customer information, wherein the pools comprise:

a first pool of customers that includes customers corresponding to sets of customer information indicating that the customers have a first set of one or more characteristics in common, the first pool of customers including the first customer and

the second customer, wherein the first pool of customers includes the first customer and the second customer,

a second pool of customers that includes customers corresponding to sets of customer information indicating that the first set of one or more characteristics are substantially different for the customers in the second pool of customers than the first set of one or more characteristics for the customers in the first pool, wherein the second pool of customers includes the third customer;

executing, on the one or more processors of the computer system, one or more computer program modules configured to obtain, over said network and prior to the first set of customer information, the second set of customer information, and the third set of customer information being obtained, from individual ones of said at least two merchants bids to provide the product to customers in the plurality of customers, wherein obtaining bids to provide the product to customers comprises obtaining bids to provide the product to ghost pools of customers into which future customers will be grouped, and wherein the bids comprise:

a first set of bids from two or more merchants for the first pool of customers that include offers to provide the product to individual customers in the first pool of customers, and

a second set of bids from two or more merchants that are separate from the first set of bids and are for the second pool of customers, the second set of bids including offers to provide the product to individual customers in the second pool of customers

executing, on the one or more processors of the computer system, one or more computer program modules configured to select Preferred offers from the obtained bids to provide the product to customers from the plurality of customers, wherein individual Preferred Offers correspond to individual pools of customers such that the Preferred Offers include a first Preferred Offer selected from the first set of bids that corresponds to the first pool of customers and a second Preferred Offer selected from the second set of bids that corresponds to the second pool of customers;

executing, on the one or more processors of the computer system, one or more computer program modules configured to individually notify customers, over said network, of the corresponding Preferred Offer such that:

based on selection of the first Preferred Offer, the customers in the first pool of customers are automatically notified over the network of the first Preferred Offer, wherein the notification enables the customers in the first pool of customers to individually accept the first Preferred Offer, and

based on selection of the second Preferred Offer, the customers in the second pool of customers are automatically notified over the network of the second Preferred Offer, wherein the notification enables the customers in the second pool of customers to individually accept the second Preferred Offer.

35. **(Currently Amended)** A computer-implemented method for conducting an on-line auction of the type wherein a plurality of customers may receive, via said auction, an offer for a product supplied by one of at least two merchants, said product

comprising a plurality of Program Terms, wherein the method is implemented in a computer system comprising one or more processors configured to execute one or more computer program modules, said method comprising:

executing, on the one or more processors of the computer system, one or more computer program modules configured to obtain, over a network, customer information from the plurality of customers, wherein the customer information comprises:

a first set of customer information corresponding to a first customer, the first set of customer information indicating the first customer has selected a first level of commitment to accept a Preferred Offer to provide the product by one of the two or more merchants,

a second set of customer information corresponding to a second customer, the second set of customer information indicating the second customer has selected the first level of commitment to accept a Preferred Offer to provide the product by one of the two or more merchants, and

a third set of customer information corresponding to a third customer, the third set of customer information indicating the third customer has selected a second level of commitment, different than the first level of commitment, to accept a Preferred Offer to provide the product by one of the two or more merchants;

executing, on the one or more processors of the computer system, one or more computer program modules configured to automatically group the plurality of customers into pools based on selected level of commitment to accept a Preferred Offer to provide the product by one of the two or more merchants, wherein the pools comprise:



a first pool of customers that includes customers corresponding to sets of customer information that indicate customer selection of the first level of commitment such that the first pool of customers includes the first customer and the second customer, and

a second pool of customers that includes customers corresponding to sets of customer information that indicate customer selection of the second level of commitment such that the second pool of customers includes the third customer;

executing, on the one or more processors of the computer system, one or more computer program modules configured to obtain, over the network and prior to the first set of customer information, the second set of customer information, and the third set of customer information being obtained, from individual ones of the two or more merchants, bids to provide the product to customers in the plurality of customers, wherein obtaining bids to provide the product to customers comprises obtaining bids to provide the product to ghost pools of customers into which future customers will be grouped, and wherein the bids comprise:

a first set of bids from the two or more merchants for the first pool of customers that include offers to provide the product to individual customers in the first pool of customers, and

a second set of bids from the two or more merchants that are separate from the first set of bids and are for the second pool of customers, the second set of bids including offers to provide the product to individual customers in the second pool of customers;

executing, on the one or more processors of the computer system, one or more computer program modules configured to select Preferred Offers from the obtained bids to provide the product to the customers, wherein the individual Preferred Offers correspond to individual pools of customers such that the Preferred Offers include a first Preferred Offer that corresponds to the first pool of customers and a second Preferred Offer that corresponds to the second pool of customers; and

executing, on the one or more processors of the computer system, one or more computer program modules configured to individually notify customers of the corresponding Preferred Offers such that:

based on the selection of the first Preferred Offer, the customers in the first pool of customers are automatically notified over the network of the first Preferred Offer, and

based on the selection of the second Preferred Offer, the customers in the second pool of customers are automatically notified over the network of the second Preferred Offer.

The following is an examiner's statement of reasons for allowance:

Prior art fails to disclose or teach the use of ghost pools where merchants bid on ghost pools containing a designated number of hypothetical customers where the winning bidder receives the right to obtain business of a previously agreed upon number of real customers who have previously applied, or in the future apply, for the applicable

product. While prior art does disclose various methods and systems for bidding on clients, however they fail to disclose ghost pools, as advanced above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINDSAY M. MAGUIRE whose telephone number is (571)272-6039. The examiner can normally be reached on M-F: 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kramer James can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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